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SUBJECT: UNHCR ON CENTRAL HIGHLANDS, STATELESS KHMERS

REF: A. HANOI 301; B. 06 HANOI 3070; C. HANOI 1202; D. HANOI 1456

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SUMMARY

1.(SBU) In a July 20 meeting with the Ambassador, UNHCR representatives discussed their recent monitoring missions to the Central Highlands (CH), the problems of stateless Khmer in the South, and UNHCR reservations regarding the One UN Initiative. UNHCR Regional Representative Hasim Utkan and UNHCR Chief of Mission Vu Anh Son said the GVN has taken many positive steps to improve the situation of ethnic minorities in the CH, but greater engagement and monitoring by the international donor community is still needed. The Ambassador highlighted U.S. engagement in the CH, and emphasized the need for close coordination on refugee issues. Utkan said the GVN has not taken the necessary steps to normalize the status of 9,000 stateless Khmer in the south; the Ambassador said he would raise the issue in his farewell calls on the Vietnamese leadership. Utkan said UNHCR has some reservations about the One UN Initiative; the Ambassador warned that the initiative would not be truly effective if some UN agencies opt out. End Summary.

UNHCR MONITORING MISSIONS SHOW PROGRESS

2.(SBU) Utkan told the Ambassador that in June, UNHCR conducted refugee policy training programs for local authorities in Dak Lak and Gia Lai provinces. On two separate missions, UNHCR met with ethnic minority returnees from Cambodia and visited GVN-subsidized institutions in Dak Lak Province. Utkan said UNHCR visited Dak Lak Province because it was a "relative newcomer" to the returnee phenomenon, and UNHCR did not have as much experience there as it does in Gia Lai Province where it already has a good rapport developed with GVN authorities and runs a few micro-projects, some funded by the U.S. Department of State. In all three visits, UNHCR noted the low level of education among ethnic minority groups in the CH and their entrapment in a "vicious cycle" of poverty and unemployment. Utkan also remarked on the much lower socio-economic status of ethnic minority groups compared to the majority ethnic Kinh in the CH.

3.(SBU) Despite the great needs and many problems of ethnic minorities in the CH, Utkan said the trend is positive, and the GVN has made obvious progress on its commitment to redress the inequities of the past in the region. Utkan lamented that the problems faced by ethnic minorities and refugees in Thailand and Laos were currently much worse.

4.(SBU) Utkan reported that, since the mass protests in the region in April 2004, there had been tremendous progress on confidence

building between UNHCR and the GVN. UNHCR now has private access to ethnic minority returnees from Cambodia, can visit the CH region during the Christian holidays of Easter and Christmas and has cooperated well with the GVN, especially since the trilateral MOU with the GVN and Government of Cambodia (GOC) was signed in January 2005. None of this was possible before 2005, Utkan said.

5.(SBU) Utkan reiterated his concern about the extremely low level of education among the returnees he interviewed. Some could not count nor recognize monetary denominations. The reasons given as to why the returnees left for Cambodia in the first place were similar: the men heard of other departures and left to chase promises of a better life via resettlement overseas. Some of them paid brokers up to 200 dollars (roughly a year's salary for many in Dak Lak) for transit to Cambodia. None of the returnees reported any particular police harassment upon returning to the CH, although one returnee was facing a fine because he had stolen and sold cows in order to finance his travel to Cambodia.

16. (SBU) Although his mission was not concerned with religious freedom, Utkan said he had heard that the Southern Evangelical Church of Vietnam (SECV) authorized meeting points had increased in the region. UNHCR's overall message to local authorities was that the returnees need to be seen as and treated as "victims" rather than "criminals."

HUMAN RIGHTS WATCH RAISES PROBLEMS

17. (SBU) Utkan noted that there had been an incident during another UNHCR official's June visit to Dak Lak that had led to allegations of torture. The visit had been suggested by local authorities for familiarization with local conditions, not to monitor refugees. According to Human Rights Watch (HRW), one of the individuals the UNHCR official interviewed was arrested the day after the visit and held for three days and beaten by the police. Afterwards, he and five fellow villagers fled to Cambodia.

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18. (SBU) Utkan said that, upon receiving the report from HRW, he personally tracked down the individuals who were in Phnom Penh by then and found numerous inconsistencies between what they said and what Human Rights Watch reported. HRW had reported that the individual had been beaten so badly he needed medical treatment. The individual told Utkan he did not require medical treatment and an examination by a UNHCR physician found no signs of injury. The local police chief said the individual had been called twice to the police station for questioning but there had been no arrest. (Note: Utkan provided ConGen HCMC RefCoord an update on UNHCR's investigation on August 8. He indicated that UNHCR headquarters in Geneva had not yet decided how to respond to HRW. End note.)

9.(SBU) Utkan concluded that "die-hard groups" want to create credibility gaps to drive a wedge between the efforts of UNHCR and the United States. Utkan said the issues become more complicated when fraudulent claims are presented. There are some who believe any assistance to people fleeing Vietnam is legitimate, the Ambassador noted, and we have to stay in close contact to avoid this. We need to see the new refugee policy working and have every expectation that it will.

NEED FOR ENGAGEMENT IN CENTRAL HIGHLANDS

10.(SBU) Utkan said he was extremely impressed by the vocational school they visited in Dak Lak capitol Buon Ma Thuot and recommended more visits and greater engagement by the international donor community. The ethnic minority school is an example of GVN "affirmative action" that must be supported by the international community to narrow the wide socio-economic gap between the ethnic minorities and the majority ethnic Kinh. The school has over 2,000 students living in dormitories, learning one of thirty trades, from welding to furniture-making to computer training. Utkan added that he hoped such a school could be replicated in Pleiku, the capital of Gia Lai province. The school is supported by the Asian Development

Bank (ADB) and the computer center is supported by the Canadian International Development Agency (CIDA) while Japan supports a local clean water project.

11.(SBU) Utkan said there is tremendous need for greater engagement by the international donor community, specifically through investment in education, general foreign investment and job creation, and programs to encourage ethnic minority youth to seek formal sector employment. Utkan said he had met with representatives of the G4 (India, Germany, Japan and Brazil) and found all moving in the same direction. He has also met with business leaders including Microsoft, Merck and Nike when they visited Thailand and he is encouraging them to work in Vietnam. Microsoft is already proposing an IT learning center in the Central Highlands. The Ambassador commented that the United States is much more active in the region than we were three years ago, and we now have significant projects there - local officials are seeing their value and we are hoping that success in these projects we have will help lead to funding for further projects.

MOJ LOGJAM ON STATELESS KHMERS

12.(SBU) Utkan said the GVN Ministry of Justice (MOJ) has not made the necessary moves to resolve the cases of over 9,000 ethnic Khmer refugees in southern Vietnam, and this issue needs to be addressed now. Utkan said he felt that the GVN MFA had been active in talking to the GOC about a resolution of the stateless Khmer cases but that the GVN MOJ, which has GVN operational authority for resolution of the cases, had not moved and "does not want to move."

13.(SBU) Utkan noted that the GVN Prime Minister had specifically called for resolution of these cases and the "refugees themselves" were very anxious, so he was very disappointed by the lack of cooperation from MOJ. The Ambassador noted he intended to raise this issue in his courtesy calls on senior Vietnamese officials (Ref D). Utkan said the People's Committees of Binh Phuoc and Binh Duong Provinces were now looking at steps to resolve the cases, circumventing the national MOJ.

THE OTHER GROUP OF STATELESS: VIETNAMESE BRIDES

14.(SBU) The Ambassador raised another group of stateless people in Vietnam is made up of Vietnamese women who marry Korean, Chinese or Taiwanese men, give up their Vietnamese citizenship and, before they gain Korean, Chinese or Taiwanese citizenship, divorce their husbands and return to Vietnam. Utkan said he appreciated the interest of the United States in this issue, and agreed that it requires changes in Vietnam's nationality law. It is not a new

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issue and has even been discussed at the National Assembly, but there is still no clear mechanism to define statelessness under Vietnamese law. The Ambassador noted that another aspect of dealing with the issue is to ensure that Vietnamese women are educated about their situation before they leave to go into a foreign marriage.

REFUGEE NUMBERS STABLE; MORE ROUTES INTO CAMBODIA

15. (SBU) Utkan said that, overall, the number of arrivals in Cambodia from Vietnam is stable, averaging 250 to 300 persons per year. However, UNHCR has noted more arrivals through regular border crossings south of the Central Highlands into Cambodia and more direct arrivals into Phnom Penh. Utkan said that UNHCR is registering about 15 percent of ethnic minorities presenting themselves in Phnom Penh as refugees and that those who could qualify for follow-to-join status with already settled refugees make up about a third of these.

OPTING OUT OF ONE UN?

16.(SBU) Utkan said UNHCR was not heavily involved in the "One UN" Initiative. The UN High Commissioner for Refugees does not want to

compromise his mandate, and while UNHCR has great confidence in the abilities of the current UN Resident coordinator in Vietnam it has some doubts about whether the UN's Resident Coordinator in Vietnam would be effective in dealing with the normal tensions with the GVN that UNHCR encounters from time to time.

¶17. (SBU) The One UN document needs to be rewritten to cover the issue of statelessness, Utkan said, and he was not sure Vietnam would support this. The Ambassador said we are watching the One UN project with great interest, as we want the UN to be as effective as possible. With Vietnam one of eight pilot "One UN" countries, the issues that have cropped up need to be solved back at UN headquarters. The effectiveness of the One UN Initiative would obviously be undercut if some agencies opt out, the Ambassador added.

18.(U) This cable was coordinated with Consulate Ho Chi Minh City.

MARINE